THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.14258 OF 1997
Date: 20-11-2006

Between:

B.Ramesh ... Petitioner

And

Andhra Pradesh State Electricity Board,
rep. by its Member Secretary and another
... Respondents

THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.14258 OF 1997

ORDER:

1. The writ petitioner, an electricity consumer, has filed this writ petition calling in question the order passed on 17-6-1997 by the Assistant Divisional Engineer, Operations, Patancheruvu of the former A.P.S.E.B. proposing to provisionally assess the energy loss valued, at Rs.1,05,571-50ps.

2. It is the case of the petitioner that he has been running a flour mill and that he had been utilizing the electric energy as is supplied by the department properly and correctly and that he had not meddled with in any manner with the power metre installed on the premises to measure the energy consumption. But however, suspecting that the consumer could have tinkered and tampered with the electric energy metre, on 04-06-1997, the Assistant Divisional Engineer inspected the premises of the writ petitioner and removed the metre for it to be tested. The metre appears to have been tested at Metre Relay Testing Centre belonging to the respondent on 23.6.1997. While it had recorded certain error factors, in sofaras the dial test is concerned no error has been found and sofar as the creep test is concerned no creeping has been noticed during the course of the testing. The ultimate finding is that there is no clear evidence to show that the consumer had meddled with internal mechanism of the metre. No obstacles or obstructions are observed to stop the rotation of metre disc inside the metre. It is also observed that the seal impressions are not clear. But however, a provisional assessment has been passed which has been the subject matter of challenge in this writ petition. Since prima facie finding is recorded in favour of the consumer not meddling with the instrument in

question, for any error or malfunctioning of the instrument, the consumer is not to be held prima facie responsible. It could be a matter of calculation after a detailed enquiry as to how much of energy has escaped from being booked for revenue. Therefore, it is only appropriate that the final assessment proceedings to go on duly providing an opportunity to the writ petitioner to participate therein and produce explanation/material on his side. Only after considering the explanation offered by the writ petitioner perhaps an appropriate decision can be taken. Therefore, till final assessment proceedings are concluded the electric energy supply to the writ petitioner unit be not stopped subject ofcourse to the condition that he pays the normal electric consumption charges. However, since the matter is pending for a long time, the final assessment proceedings be concluded within a period of three months.

3. With this direction, the writ petition stands disposed of. Interim orders passed in the writ petition shall stand dissolved subject to the conditions stipulated above. No order as to costs.

NOOTY RAMAMOHANAA RAO,J

20-11-2006

Stp